

**UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN**

**BUILDING TRADES UNITED PENSION TRUST
FUND, and NACARCI FEASTER (in his capacity as Trustee),**

**WISCONSIN MASONS HEALTH CARE FUND,
WISCONSIN MASONS APPRENTICESHIP
& TRAINING FUND, WISCONSIN MASONS 401(K)
PLAN, BRICKLAYERS AND TROWEL
TRADES INTERNATIONAL PENSION FUND,
INTERNATIONAL MASONS INSTITUTE FUND
and JEFFREY LECKWEE (in his capacity as Trustee),**

**BRICKLAYERS AND ALLIED CRAFTWORKERS
DISTRICT COUNCIL OF WISCONSIN,**

Plaintiffs,

vs.

Case No. 09-cv-628

**EVEREST TILE INC., and
SCOTT A. KONKOL,**

Defendants.

**ORDER FOR JUDGMENT
AS TO DEFENDANT EVEREST TILE INC.**

Request and application for default judgment brought by the plaintiffs in the above-captioned action were submitted to the Court and filed with the clerk.

The Court, having duly heard all issues and a decision having been duly rendered, orders as follows:

1. Defendant Everest Tile Inc. has failed to plead or otherwise defend as provided by Rule 55(a) of the Fed. R. Civ. P.

2. Everest Tile Inc. violated the Labor-Management Relations Act of 1947, as amended, as well as the Employee Retirement Income Security Act of 1974, as amended, and the effective collective bargaining agreement by failing to pay fringe benefit contributions on behalf of its employees to the plaintiff funds.

3. The court assesses the total damages to the plaintiffs in the sum of \$323,868.02.

IT IS HEREBY ORDERED that the Clerk of Court is directed to enter judgment in favor of plaintiffs, Building Trades United Pension Trust Fund, Nacarci Feaster, Wisconsin Masons Health Care Fund, Wisconsin Masons Apprenticeship & Training Fund, Wisconsin Masons 401(K) Plan, Bricklayers and Trowel Trades International Pension Fund, International Masons Institute Fund, Jeffrey Leckwee, and Bricklayers and Allied Craftworkers District Council of Wisconsin, in the amount of \$323,868.02 together with interest at the rate allowed by law;

Dated this 17th day of February, 2010.

BY THE COURT

Barbara B. Crane
U. S. District Court Judge